IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16141 of 2004

Between:

S.Sathi Raju S/o. Veeraraju, aged 52 years, Attender(Daftary),
Andhra Bank, Gollalamamidada, Peddapudi Mandal,
East Godavari District.

..... PETITIONER

AND

1. The Deputy General Manager (P), Personnel Department (IR),

Head Office, Andhra Bank, Sultan Bazar, Hyderabad.
2. The Branch Manager, Andhra Bank, Gollalamamidada,

Peddapudi Mandal, East Godavari District.
3. The District Collector, Kakinada, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus declaring the Impugned Order of termination issued in Lr.No.666/20/NV/1446, dated 2-12-03 as illegal and set aside the same, by holding and declaring that the petitioner is entitled to continue in service in view of Caste Certificate issued to the petitioner on 20-10-2001 as per the Andhra Pradesh (SC, ST and BCs) Regulation of Issue of Community Certificates Act, 1993 and Rules 1997, in which the petitioner was declared as Kondakapu (Schedule Tribe).

Counsel for the Petitioner: MR.P.V.SUBRAHMANYA SARMA

Counsel for the Respondent Nos.1&2: Mr. N.Rammohan Rao, Standing Counsel for Andhra Bank.

Counsel for the Respondent No.3: GP FOR REVENUE

The Court at the stage of admission made the following :

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THE HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION No.16141 OF 2004

ORDER:

The petitioner worked as an Attender (Daftary) in the respondent/Bank. His services were terminated through the Order dated 02.12.2003 after a prolonged legal battle on the ground that he is not entitled to continue in service on account of production of a false caste certificate as a Scheduled Tribe though he does not belong to Scheduled Tribe. The matter reached the finality. The petitioner now contends that the Mandal Revenue Officer issued another caste certificate on 20.10.2001 under the Andhra Pradesh (Schedule Castes, Schedule Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 and Rules 1997, by declaring the petitioner as 'Kondakapu' (Schedule Tribe). The petitioner through a letter dated 03.01.2004 alleged to have brought the factum of his obtaining caste certificate dated 20.10.2001 to the notice of the respondents for the first time. In the affidavit filed in support of the writ petition, he did not mention as to when he obtained the said caste certificate, where did he keep the caste certificate all these years, what was the reason for non-production of the caste certificate during the pendency of the earlier writ proceedings and why there was an inordinate delay in bringing the said fact to the notice of the concerned authorities. Whether the caste certificate alleged to be obtained by the petitioner is a genuine one when he was issued the said caste certificate or whether it was issued after due enquiry and after knowing the earlier writ proceedings, are all the questions of fact. The petitioner did not mention about the existence of the alleged caste certificate issued in the year 2001 in the reply given to the show cause notice issued prior to the order of termination. Since, there is no question of law involved in the writ petition, it cannot be maintained.

Accordingly, the writ petition is dismissed. No costs.

Dr.G.YETHIRAJULU, J

Date: 13th September, 2004.

CS

SPECIAL OFFICER

//TRUE COPY//

SECTION OFFICER

To

1. The Deputy General Manager (P) Personnal Department (I.R.), Head Office, Andhra Bank, Sultan Bazar, Hyderabad.
2. The Branch Manager, Andhra Bank, Gollalamamidada, Peddapudi Mandal, East Godavari District.
3. The District Collector, Kakinada, East Godavari District.
4. Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (O.U.T.)
5. Two C.D. copies.